

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

CAMILLE MACEDON a/k/a KING DERBY,

Plaintiff,

v.

**GOVERNMENT OF THE VIRGIN ISLANDS,
VIRGIN ISLANDS CARNIVAL
COMMITTEE,**

Defendants.

2001-CV-0079

**TO: Lee J. Rohn, Esq.
Carol Thomas Jacobs, Esq., AAG
Tamika Archer, Esq., AAG
Arturo Watlington, Jr., Esq.**

ORDER DENYING PLAINTIFFS' MOTION TO COMPEL

THIS MATTER came before the Court upon the parties' Joint Stipulation Regarding Plaintiff's [sic] Motion to Compel Advisory Letters From Defendant (Docket No. 176).

Plaintiffs seek two advisory letters of the Attorney General referenced in a Superior Court decision, *Virgin Islands Carnival Comm'e, Inc. v. Legislature of the Virgin Islands*, 46 V.I. 33 (Terr. Cr. 2004). Defendant asserts that one of the letters sought does not exist nor was it referenced in the court opinion as Plaintiffs claim. With regard to the other letter requested, Defendant maintains that the said letter is irrelevant because it was superseded

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by the very opinion cited by Plaintiffs. In addition, Defendant argues that the motion to compel is procedurally improper as Plaintiffs never served Defendant with a proper demand for production for the letters at issue.

Having reviewed the joint stipulation and the case cited by Plaintiffs, the Court finds that the cited opinion does not reference an advisory letter dated March 4, 2004, issued by the Attorney General. With regard to the September 22, 2003, letter, the Court finds that, because said advisory opinion was superseded by the ruling in *Virgin Islands Carnival Comm'e*, it is irrelevant and, therefore, Defendant does not need to produce it. The Court further finds that in the absence of a proper request for production submitted under Rule 34, a motion to compel the discovery, pursuant to Rule 37, is improper. Fed. R. Civ. P. 37(a)(2)(B).

Based upon the foregoing, it is now hereby **ORDERED** that Plaintiff's Motion to Compel Advisory Letters From Defendant (Docket No. 176) is **DENIED**.

ENTER:

Dated: December 13, 2007

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE